



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5525

by Rep. Franco Coladipietro - Tom Cross

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.4

from Ch. 38, par. 1005-9-1.4

Amends the Unified Code of Corrections with respect to crime laboratory analysis fees. In the definition of "crime laboratory", provides that it must be formally accredited and must regularly employ persons who conduct analyses and provide testimony with respect to drug identification, latent fingerprint analysis, and DNA analysis. Enumerates additional offenses for which a guilty offender must pay a fee and increases those fees to varied amounts depending on the offense. Provides that laboratories using a crime laboratory fund must have and file documented procedures and policies concerning its response to discoveries of misconduct or incompetence and claims of innocence by convicted prisoners. Makes other changes.

LRB095 17658 RLC 43732 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-9-1.4 as follows:

6 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

7 Sec. 5-9-1.4. Crime laboratory analysis fees.

8 (a) "Crime laboratory" means any not-for-profit laboratory
9 registered with the Drug Enforcement Administration of the
10 United States Department of Justice, formally accredited
11 against professionally recognized and accepted forensic
12 science standards, substantially funded by a unit or
13 combination of units of local government or the State of
14 Illinois, which regularly employs persons trained and
15 authorized to conduct analyses in each of the following listed
16 disciplines and who provide ~~at least one person engaged in the~~
17 ~~analysis of controlled substances, cannabis, methamphetamine,~~
18 ~~or steroids for criminal justice agencies in criminal matters~~
19 ~~and provides~~ testimony with respect to such examinations: :-

20 (1) Drug identification.

21 (2) Latent fingerprint identification.

22 (3) DNA analysis.

23 (b) When a person has been adjudged guilty of one of the

1 ~~following offenses an offense in violation of the Cannabis~~
2 ~~Control Act, the Illinois Controlled Substances Act, the~~
3 ~~Methamphetamine Control and Community Protection Act, or the~~
4 ~~Steroid Control Act, in addition to any other disposition,~~
5 ~~penalty or fine imposed, and when the court is notified that a~~
6 ~~forensic laboratory has conducted a forensic test in the~~
7 ~~investigation of the case, the appropriate a criminal~~
8 ~~laboratory analysis fee, as designated in this Section, of \$100~~
9 ~~for each offense for which he was convicted shall be levied by~~
10 the court:—

11 (1) 720 ILCS 535/; Cannabis Control Act; \$300.

12 (2) 720 ILCS 570/; Illinois Controlled Substances Act;
13 \$300.

14 (3) 720 ILCS 646/; Methamphetamine Control and
15 Community Protection Act; \$300.

16 (4) 720 ILCS 5/Art. 9; Criminal Code of 1961
17 (homicide); \$950.

18 (5) 720 ILCS 5/Art. 11; Criminal Code of 1961 (sex
19 offenses); \$600.

20 (6) 720 ILCS 5/Art. 12; Criminal Code of 1961 (bodily
21 harm); \$600.

22 (7) 720 ILCS 5/Art. 16; Criminal Code of 1961 (theft
23 and related offenses); \$200.

24 (8) 720 ILCS 5/Art. 18; Criminal Code of 1961
25 (robbery); \$400.

26 (9) 720 ILCS 5/Art. 19; Criminal Code of 1961

1 (burglary); \$400.

2 (10) 720 ILCS 5/Art. 20; Criminal Code of 1961 (arson);
3 \$400.

4 Any person placed on probation pursuant to a statute listed in
5 items (1) through (10) ~~Section 10 of the Cannabis Control Act,~~
6 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
7 ~~70 of the Methamphetamine Control and Community Protection Act,~~
8 ~~or Section 10 of the Steroid Control Act~~ or placed on
9 supervision for a violation of the Cannabis Control Act, the
10 Illinois Controlled Substances Act or the Steroid Control Act
11 shall be assessed the appropriate a criminal laboratory
12 analysis fee ~~of \$100~~ for each offense for which he was charged.
13 Upon verified petition of the person, the court may suspend
14 payment of all or part of the fee if it finds that the person
15 does not have the ability to pay ~~the fee~~.

16 (c) In addition to any other disposition made pursuant to
17 the provisions of the Juvenile Court Act of 1987, any minor
18 adjudicated delinquent for an offense which if committed by an
19 adult would constitute a violation of the Cannabis Control Act,
20 the Illinois Controlled Substances Act, the Methamphetamine
21 Control and Community Protection Act, or the Steroid Control
22 Act shall be assessed a criminal laboratory analysis fee of
23 \$100 for each adjudication. Upon verified petition of the
24 minor, the court may suspend payment of all or part of the fee
25 if it finds that the minor does not have the ability to pay the
26 fee. The parent, guardian or legal custodian of the minor may

1 pay some or all of such fee on the minor's behalf.

2 (d) All criminal laboratory analysis fees provided for by
3 this Section shall be collected by the clerk of the court and
4 forwarded to the appropriate crime laboratory fund as provided
5 in subsection (f).

6 (e) Crime laboratory funds shall be established as follows:

7 (1) Any unit of local government which maintains a
8 crime laboratory may establish a crime laboratory fund
9 within the office of the county or municipal treasurer.

10 (2) Any combination of units of local government which
11 maintains a crime laboratory may establish a crime
12 laboratory fund within the office of the treasurer of the
13 county where the crime laboratory is situated.

14 (3) The State Crime Laboratory Fund is hereby created
15 as a special fund in the State Treasury.

16 (f) The analysis fee provided for in subsections (b) and
17 (c) of this Section shall be forwarded to the office of the
18 treasurer of the unit of local government that performed the
19 analysis if that unit of local government has established a
20 crime laboratory fund, or to the State Crime Laboratory Fund if
21 the analysis was performed by a laboratory operated by the
22 Illinois State Police. If the analysis was performed by a crime
23 laboratory funded by a combination of units of local
24 government, the analysis fee shall be forwarded to the
25 treasurer of the county where the crime laboratory is situated
26 if a crime laboratory fund has been established in that county.

1 If the unit of local government or combination of units of
2 local government has not established a crime laboratory fund,
3 then the analysis fee shall be forwarded to the State Crime
4 Laboratory Fund. The clerk of the circuit court may retain the
5 amount of \$10 from each collected analysis fee to offset
6 administrative costs incurred in carrying out the clerk's
7 responsibilities under this Section.

8 (g) Fees deposited into a crime laboratory fund created
9 pursuant to paragraphs (1) or (2) of subsection (e) of this
10 Section shall be in addition to any allocations made pursuant
11 to existing law and shall be designated for the exclusive use
12 of the crime laboratory. These uses may include, but are not
13 limited to, the following:

14 (1) costs incurred in providing analysis for
15 controlled substances in connection with criminal
16 investigations conducted within this State;

17 (2) purchase and maintenance of equipment for use in
18 performing analyses; and

19 (3) continuing education, training and professional
20 development of forensic scientists regularly employed by
21 these laboratories.

22 (h) Fees deposited in the State Crime Laboratory Fund
23 created pursuant to paragraph (3) of subsection (d) of this
24 Section shall be used by State crime laboratories as designated
25 by the Director of State Police. These funds shall be in
26 addition to any allocations made pursuant to existing law and

1 shall be designated for the exclusive use of State crime
2 laboratories. These uses may include those enumerated in
3 subsection (g) of this Section.

4 (i) Any crime laboratory or crime laboratory system using a
5 crime laboratory fund established pursuant to this Section
6 shall have and file with the Illinois Laboratory Advisory
7 Committee documented procedures and policies that govern the
8 laboratory's response to the following:

9 (1) The discovery of any instance of misconduct or
10 incompetence committed by a laboratory employee or
11 subcontractor if that conduct could or did have an adverse
12 impact on the integrity and fairness of a criminal
13 proceeding, including procedures and policies for the
14 reporting of those instances to a governmental entity,
15 independent of the laboratory, having the authority and
16 ability to objectively and completely investigate these
17 instances.

18 (2) The receipt of written claims of innocence by
19 prisoners convicted of violent crimes, or their
20 representatives, if further forensic testing or retesting
21 is requested for the purpose of proving innocence.

22 (Source: P.A. 94-556, eff. 9-11-05.)